

REMARKS

Applicant has amended claims 1, and 38 to eliminate the reasons for the claims being objected to. Reconsideration of these claims and allowance are respectfully requested.

Regarding claims 1-30 and 39-45, these claims have been amended to more clearly point out that the processes relating to monitoring, storing, etc. are carried out as a background process that is carried out while a foreground process is also being carried out. The undersigned finds no suggestion of such a background process within the cited Wong et al. reference. Moreover, regarding claims 1-16 and 30, the claims have been amended to call out the process being carried out as a background process on a personal computing device (see specification page 13, lines 16-18 such as a personal computer, personal digital assistant, cellular telephone, network appliance, etc.). This language further distinguishes over point of sale terminals as disclosed in the Wong et al. reference.

In addition to the above, these claims as filed call for the computer program detecting instances of a credit card transaction in the entries made on the personal computing device or similar language. This limitation should be studied carefully to understand the distinction over simply entering a credit card transaction. In Applicant's case, the background program detects that a credit card transaction is being carried out in a foreground operation and, as a result, carries out the claimed process. This limitation distinguishes over Wong et al. who simply disclose a system designed to receive entry of credit card transaction information as a primary or exclusive function. In order to emphasize this distinction, these claims have been amended to change the term "detecting" to "recognizing" which is believed more descriptive of the action being carried out. Accordingly, claims 1-30 and 39-45 are believed patentable as originally submitted, but are now believed to more clearly distinguish over the cited reference. Reconsideration and allowance are respectfully requested.

In addition, specifically regarding claims 12, 24, 30 and 43, the undersigned notes that detection of instance of credit card usage triggers asking the user to confirm storage of information describing the credit card transaction. This cause and effect relationship is not disclosed or suggested in the cited passages of the Wong et al. reference, which

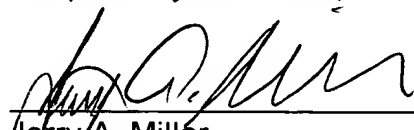
simply invites users that are not members of a loyalty program to add their information to a database. Accordingly, reconsideration and allowance is respectfully requested.

New claims 54-57 are added to further describe the background process as being carried out in a sidecar program. This is disclosed throughout the specification and clearly involves no new matter. Consideration and allowance of these new claims is respectfully requested.

Regarding claims 31-38 and 46-53, these claims have been amended with language that more clearly points out that the user is in control of the database and thus the user grants permission to the loyalty point provider to access the database. The undersigned finds no teaching or suggestion of the user granting access to the loyalty point provider in the Wong et al. reference. Accordingly, reconsideration and allowance is respectfully requested.

The undersigned notes that many other distinctions exist between the cited reference and the invention as originally claimed. However, in view of the clear distinctions pointed out above, further discussion of these deficiencies is believed to be unnecessary at this time; failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position. Also, no amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references. In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date.

Respectfully submitted,



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